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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,992	10/18/2004	Dante Monteverde	35041-400500	5991
27717 7590 05/12/2009 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER				
MILLER, ALAN S				
ART UNIT		PAPER NUMBER		
3624				
MAIL DATE		DELIVERY MODE		
05/12/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/711,992

**Applicant(s)**

MONTEVERDE, DANTE

**Examiner**

ALAN MILLER

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to Request for Continued Examination, filed 3/20/2009, in regards to the application filed 10/18/2004.

Claims 1-24 are pending and have been examined.

This action is Non-Final.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1 – 24 have been considered but are moot in view of the new ground(s) of rejection.

***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/20/2009 has been entered.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims **1-7, 11 and 14 - 16, 22, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi (U.S. 7,251,607).

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

6. In respect to claim **1**, Veschi discloses:

receiving a complaint from a consumer in an electronic format regarding a merchant (see at least column 6, line 53 – column 7, line 5, which discloses a party to the dispute (i.e. *a consumer*) provides information regarding the dispute, such as by filling in an initial complaint form);

forwarding the complaint to the merchant for a merchant's response (see at least column 6, line 53 – column 7, line 5 which discloses the dispute system determines if the information provided includes information from both or all parties...if the answer is no, then a query is issued to the missing parties (i.e. *the merchant*)... if one party submits, the submitting party may provide identification information of the other party (i.e. *the merchant*), and the query step may comprise an email to the other party (i.e. *the*

*merchant*) informing them of the commenced dispute (i.e. *forwarding the complaint to the merchant for a merchant's response*)) ;

displaying the complaint and any merchant's response on an Internet site for a plurality of users to opine as to the righteousness of the consumer and the merchant (see at least column 11, line 39 – column 13, line 52, and FIG. 8, 860, specifically column 12, lines 50 – 60, which discloses the transcript area displays the interaction between each party (i.e. *displaying the complaint and any merchant's response on an Internet site for a plurality of users to opine as to the righteousness of the consumer and the merchant*); see also column 6, lines 4 – 33, which discloses a dispute system connected to a plurality of Squires and the parties, and also one or more visitors or observers referred to as the “gallery” may also be coupled to the system (i.e. *for a plurality of users to opine as to the righteousness of the consumer and the merchant*));

receiving a plurality opinions of righteousness from users other than said consumer or said merchant in an electronic format, thereby defining a submitted opinion of righteousness for each user's opinion received (see at least column 6, lines 4 – 33, which discloses the gallery members may also have the ability to interact...to vote on whom should be the prevailing party, etc (i.e. *receiving a plurality opinions of righteousness from users other than said consumer or said merchant in an electronic format, thereby defining a submitted opinion of righteousness for each user's opinion received*); see also column 13, lines 29 – 35, which discloses the gallery voting; and see also FIG. 8, 890, which discloses the galleries' opinions); and

displaying the users' opinions of righteousness on an Internet site as an averaged numerical representation (see at least FIG. 8, 875, 880, 895 and 897 and column 13, lines 29 – 35).

Veschi does not explicitly disclose a consumer and a merchant.

Examiner notes that it is old and well known to have consumers file complaints against merchants (see at least Conclusion, reference 'c' of this action, of Sloo (U.S. 5,668,953).

It would have been obvious to one of ordinary skill in the art to include in the parties of Veschi the old and well known consumers and merchants as parties to complaints since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of using the system to settle disputes between any two parties, including a consumer and a merchant.

7. In respect to claim 2, Veschi discloses determining the identification of each user that submits an opinion of righteousness (see at least column 13, lines 53 – 64, which discloses the data record may include a unique identifier identifying the person and stats to indicate whether the person is a Squire, party or Gallery member; see also FIG. 10).

8. In respect to claim 3, Veschi discloses determining the identification of the consumer (see at least column 13, lines 53 – 64, which discloses the data record may include a unique identifier identifying the person and stats to indicate whether the person is a Squire, party (i.e. *consumer*) or Gallery member; see also FIG. 10, 1015 'Status').

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Examiner notes that the Plaintiff could be a consumer with a complaint against a merchant.

9. In respect to claim 4, Veschi discloses determining the identification of the merchant (see at least column 13, lines 53 – 64, which discloses the data record may include a unique identifier identifying the person and stats to indicate whether the person is a Squire, party (i.e. *merchant*) or Gallery member; see also FIG. 10, 1015 'Status'). Examiner notes that the Defendant could be a merchant with a complaint filed by a consumer.

10. In respect to claim 5, Veschi discloses comparing the identification of the consumer to the identification of each user that submits an opinion of righteousness (see at least column 13, lines 53 – 64, which discloses the data record may include a unique identifier identifying the person and stats to indicate whether the person is a Squire, party or Gallery member; since each user has a unique identifier, the identification of the consumer is compared to the identification of each user that submits an opinion or the identifier would not be unique).

11. In respect to claim 6, Veschi discloses comparing the identification of the merchant to the identification of each user that submits an opinion of righteousness (see at least column 13, lines 53 – 64, which discloses the data record may include a unique identifier identifying the person and stats to indicate whether the person is a Squire, party or Gallery member; since each user has a unique identifier, the identification of the

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consumer is compared to the identification of each user that submits an opinion, or the identifier would not be unique).

12. In respect to claim 7, Veschi discloses the step of displaying the users' opinions of righteousness as an averaged numerical representation includes considering opinions of users other than the consumer or merchant (see at least FIG. 8, 895 and 875, which discloses vote tallies).

13. In respect to claim 11, Veschi discloses wherein the users' opinions of righteousness include an analysis of the credibility of the merchant and the consumer (see at least column 13, lines 29 – 35, which discloses the gallery voting; and see also FIG. 8, 890, which discloses the galleries' opinions, FIG. 8, 897, which discloses a voting (i.e. *include an analysis of the credibility of the merchant and the consumer*)).

14. Claims 14 - 16, 22, 23, and 24 recite subject matter similar to that already rejected above. Therefore, claims 14 - 16, 22, 23, and 24 are rejected on the same basis as claims.

15. Claims 8 - 10 and 17 - 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi in view of Tewari et al. (U.S. 7,363,361, hereinafter Tewari).

16. In respect to claims 8 – 10, Veschi does not explicitly disclose wherein the step of verifying the origination of each Internet user's opinion of righteous includes determining



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the Internet user's Internet Protocol address of a computer used by the Internet user; comparing the Internet user's Internet Protocol address to an Internet Protocol address assigned to the Internet merchant when the Internet merchant's response was received; or comparing the Internet user's Internet Protocol address to an Internet Protocol address assigned to the Internet consumer when the complaint was received.

Tewari et al. discloses using a user's IP address and/or URL to authenticate the user (col. 49, lines 3-17 and 32-33). Therefore, at the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Veschi to use a user's IP address and/or URL to authenticate the user as doing so ensures that the user is who they say they are by identifying the computer they are coming from, thereby enhancing the integrity of the complaint system.

17. Claims **17 - 19** recite subject matter similar to that already rejected above.

Therefore, claims **17 - 19** are rejected on the same basis as claims 8 - 10 above.

18. Claims **12, 13, 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi in view of Rebane (U.S. 6,539,392).

19. In respect to claim **12**, Veschi does not explicitly disclose wherein the users' opinions of righteousness include an analysis of the user's prior interactions with the merchant.

Rebane discloses wherein the users' opinions of righteousness include an analysis of the user's prior interactions with the merchant (see at least FIG. 2a, and column 9, line

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66 - column 10, line 1, which discloses merchant questionnaires (i.e. an analysis of the user's prior interactions with the merchant)).

It would have been obvious to one of ordinary skill in the art to include in the users opinions of Veschi the merchant questionnaires as taught by Rebane since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of having opinions from the gallery from users that have had some experience with the merchant, or to allow users that have had experience with the merchant become Squires (see at least Veschi, column 6, lines 4 - 11).

20. In respect to claim 13, Veschi does not explicitly disclose wherein the step of receiving a plurality of users' opinions of righteousness, thereby defining a submitted opinion of righteousness for each user's opinion received includes receiving a scaled numerical representation from the user.

Rebane discloses wherein the step of receiving a plurality of users' opinions of righteousness, thereby defining a submitted opinion of righteousness for each user's opinion received includes receiving a scaled numerical representation from the user (see at least FIG. 2a, and column 9, line 66 - column 10, line 1 and column 10, lines 31 - 39, which discloses merchant questionnaires and ratings on a scale from 1 - 10).

It would have been obvious to one of ordinary skill in the art to include in the users opinions of Veschi the merchant questionnaires as taught by Rebane since the claimed invention is merely a combination of old elements, and one of ordinary skill in the art would have recognized that it would produce a predictable result of having

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numerical opinions from the gallery based on a survey in addition to voting or typing free-form opinions.

21. Claims **20 and 21** recite subject matter similar to that already rejected above.

Therefore, claims **20 and 21** are rejected on the same basis as claims 12 and 13 above.

### *Conclusion*

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Martherus et al. (U.S. 7,194,764) discusses verifying identity of a user by comparing the user's IP address to an IP addresses called for by the authorization rule;

b. Walker et al. (U.S. 7,383,200) discusses receiving customer feedback about products/services.

c. Sloo (U.S. 5,668,953) discloses a complaint handling method including storing the compliant and associated response on a publicly accessible computer bulletin board.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN MILLER whose telephone number is (571)270-5288. The examiner can normally be reached on Mon - Fri, 10:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BRADLEY BAYAT can be reached on (571) 272-6704. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. M./

Examiner, Art Unit 3624

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3624